



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

.....  
**Applicants:** Bhat, *et al.*

**Patent No.:** 7,125,855 B2

**Issue date:** October 24, 2006

**Serial No.:** 10/688,691 (Case No. 20717YCA)

**Art Unit:**  
1623

**Filing Date:** 17 October 2003

**Examiner:**  
L.E. Crane

**Entitled:** NUCLEOSIDE DERIVATIVES AS  
INHIBITORS OF RNA-DEPENDENT RNA  
VIRAL POLYMERASE  
.....

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR**  
**APPLICANTS' MISTAKE UNDER 37 C.F.R. § 1.323**

Sir:

Attached are two Forms PTO-1050, with at least one copy suitable for printing. The form is being submitted to correct Applicants' mistake of a minor nature or character in the patent. The mistake occurred in good faith.

**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.**

**MERCK & CO., INC.**  
By Shanda Spalding Date 11-9-06

The above-referenced patent incorrectly lists "Merck & Co., Inc." as the sole assignee. Although an assignment to "Isis Pharmaceuticals, Inc.," was recorded by the PTO, the front page of the patent reflects only "Merck & Co., Inc." as assignee. This error occurred because applicants inadvertently failed to list "Isis Pharmaceuticals, Inc." as co-assignee on PTO form PTOL-85 (accompanying Issue Fee). Isis Pharmaceuticals, Inc. is a proper co-assignee, as reflected in the copies of the original Assignment documents submitted herewith (Reel/Frame Nos 014753/0161 and 014753/0192, recordation date December 4, 2003).

The petitioners request that a Certificate of Correction be issued as follows:

UNDER ASSIGNEES:

Please delete "Merck & Co., Inc., Rahway, NJ (US);" and insert  
-- "Merck & Co., Inc., Rahway, NJ (US);  
Isis Pharmaceuticals, Inc., Carlsbad, CA (US) --

Petitioners further submit herewith:

- (A) a petition for the fee required by 37 C.F.R. 1.17(h) authorizing the payment of such fee from deposit account No. 13-2755;
- (B) a request herein that 37 C.F.R. 3.81(a) be waived to permit the correct name of the assignee to be provided after issuance of the patent;
- (C) that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- (D) a copy of the Recordation Form Cover Sheets and accompanying Assignments recorded on December 4, 2003.

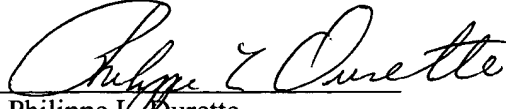
The corrections do not involve such changes in the patent as would constitute new matter or would require re-examination.

Issuance of the Certificate of Correction as requested is solicited. Please send certificate to:

Merck & Co., Inc.  
126 East Lincoln Avenue  
P.O. Box 2000  
Rahway, NJ 07065

Please deduct the required fee for this submission under 37 C.F.R. §  
1.20(a) from Merck deposit account 13-2755.

Respectfully submitted,

By   
Philippe L. Ourette  
Reg. No. 35,125  
Attorney for the Applicants  
Merck & Co., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732)-594-4568

Date: November 9, 2006  
Enclosures



Approved for use through 04/30/2007. OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Substitute for PTO/SB/44 (04-04), Certificate of Correction

(Also Form PTO-1050)

## UNITED STATES PATENT AND TRADEMARK OFFICE

# CERTIFICATE OF CORRECTION

PATENT NO: 7,125,855 B2 (Case Docket No. 20717YCA)

DATED: October 24, 2006

INVENTOR(S): Balkrishen Bhat, Neelima Bhat, Anne B. Eldrup, Thazha P. Prakash, Marija Prhavc, Quanlai Song,  
Phillip Dan Cook, Steven S. Carroll, Malcolm MacCoss, and David B. Olsen

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

On the front page, following the heading ASSIGNEE:

Delete "Merck & Co., Inc., Rahway, NJ (US)" and insert

-- Merck & Co., Inc., Rahway, NJ (US); Isis Pharmaceuticals, Inc., Carlsbad, CA (US) --

### MAILING ADDRESS OF SENDER:

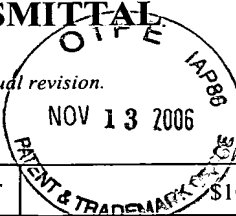
Merck & Co., Inc.  
Patent Dept., RY60-30  
P.O. BOX 2000 Rahway, NJ 07065-0907 - Attention: Philippe L. Durette

PATENT NO. 7,125,855 B2

— No. of additional copies - 15

**MISC. FEE TRANSMITTAL**

Patent fees are subject to annual revision.



Complete if Known

Application Number	10/688,691
Filing Date	October 17, 2003
First Named Inventor	Bhat, et al
Examiner Name	L.E. Crane
Group Art Unit	1623
Attorney Docket Number	20717YCA

TOTAL AMOUNT OF PAYMENT

\$100

**METHOD OF PAYMENT**☒ Deposit Account

Deposit Account Number 13-2755

Deposit Account Name Merck &amp; Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below☒ Credit any overpayments☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17**FEE CALCULATION****FEES****Large Entity**

Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1051	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1840	130	Statutory Terminal Disclaimer under 37 CFR 1.321	
		Other fee (specify) <u>Certificate of Correction</u>	100
		Other fee (specify) _____	
		Other fee (specify) _____	

TOTAL \$100

**SUBMITTED BY****Complete (if applicable)**

Typed or Printed Name Philippe L. Durette

Reg. Number 35,125

Signature

Date 11/09/2006

Deposit Account User ID

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Louisa Spalding Date 11-9-06